

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JESSE BLACKSTOCK,

Plaintiff,

vs.

NEBRASKA DEPARTMENT OF
CORRECTIONAL SERVICES,
UNITED STATES OF AMERICA, and
BRAD HANSEN,

Defendants.

8:18CV555

**MEMORANDUM
AND ORDER**

This matter is before the court on Plaintiff's Motion to Dismiss, which the court construes as a motion for voluntary dismissal pursuant to [Federal Rule of Civil Procedure 41\(a\)](#). ([Filing No. 19](#).) Rule 41(a) states that a plaintiff may dismiss an action without a court order by filing "a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment." [Fed. R. Civ. P. 41\(a\)\(1\)\(A\)\(i\)](#). In addition, Rule 41(a)(2) provides that an action may be dismissed at the plaintiff's request "on terms that the court considers proper." [Fed. R. Civ. P. 41\(a\)\(2\)](#). Here, Plaintiff asks the court to dismiss this action and the Defendant has not been served with process. Accordingly,

IT IS ORDERED that:

1. Plaintiff's request for dismissal of this action ([filing no. 19](#)) is granted. This matter is dismissed without prejudice.
2. A separate judgment will be entered in accordance with this Memorandum and Order.

Dated this 17th day of January, 2019.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge